

PUBLIC HEARING NOTICE

The Planning Commission of the City of San José will hold a Public Hearing on **Wednesday, April 9, 2008**, to certify that the Final Environmental Impact Report (EIR) prepared for the project identified below has been completed in compliance with the California Environmental Quality Act (CEQA). This Public Hearing will be held in accordance with Title 21 of the San José Municipal Code.

The Public Hearing is to be in the City Council Chambers, on the second floor of City Hall Wing, at 200 East Santa Clara Street, San José, California, at **6:30 p.m.** or as soon thereafter as this item can be heard. You are welcome to attend and to speak on this issue. If you choose to challenge the decision on this Environmental Impact Report in court, you may be limited to only those issues you, or someone else, raised and discussed at the Public Hearing or in written correspondence delivered to the City at or prior to the Public Hearing.

The project being considered is:

FINAL ENVIRONMENTAL IMPACT REPORT for:

1. **GP06-04-05: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) on a 13.64-acre site at the southeasterly side of Berryessa Road, approximately 770 feet southwest from the intersection of Berryessa Road and North King Road. (UBS Realty Investors, LLC, owner and applicant)**
2. **GP07-04-04: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Heavy Industrial on a 13.68-acre site at the northeast corner of Junction Ave and Dado Street. (Van Waters & Rogers, owner/San Jose V Investors, applicant)**

Council District: 4

The Final Environmental Impact Report, including the City's responses to comments received during the Public Review Period (1/16/08 to 2/29/08), is available for review beginning March 28 Monday to Friday 8:00 a.m. to 5:00 p.m. at the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José.

The certification of the Final EIR may be appealed in writing by any person prior to 5:00 p.m. on **Monday, April 14, 2008**. Such protest shall be filed at the Department of Planning, Building and Code Enforcement and shall include a statement specifying the basis of the appeal. An appeal of the certification of the Final EIR will be heard by the City Council at the earliest possible date. It should be noted that the certification of a Final EIR does not constitute approval of the project for which it was prepared. The decision to approve or deny the project will be made separately as required by City Ordinance.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call TTY#: (408) 294-9337 or (VOICE) or (408) 535-3500 at least 48 hours before the meeting.

Comments and questions regarding the EIR are welcome and should be referred to **Licinia McMorro** of the Department of Planning, Building and Code Enforcement (408) 535-7800. For your convenience, contact **Carmen Stanley** at the same telephone number the week of the Public Hearing to verify that this item will be heard and is not scheduled for deferral to a later date.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Akoni Daniels, Principal Planner

Date: 3/13/08

NOTICE OF PUBLIC HEARINGS

City of San Jose, City Hall
200 East Santa Clara Street, City Council Chambers, Wing 2nd Floor

Spring 2008 Hearings on General Plan Amendments

Planning Commission: Wednesday, April 9, 6:30 p.m.

City Council: Tuesday, May 6, 7:00 p.m.

***General Plan Amendment (File No. GP06-04-05):** Proposal to amend the General Plan designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) on a 13.64-acre site. Approval of this amendment could allow development of a mixed-use project containing approximately 100,000 square feet of ground floor retail uses and 543 dwelling units. A proposed Staff Alternative to change the General Plan designation from Light Industrial to Combined Industrial Commercial. Approval of the proposed Staff Alternative would allow commercial and light industrial uses such as shopping centers, offices, or selected low-intensity industrial uses that would be compatible with commercial and surrounding residential uses. (San Jose V Investors, applicant/UBS Realty Investors, owner) Council District: 4*

***General Plan Amendment (File No. GP07-04-04):** Proposal to amend the General Plan designation from Industrial Park to Heavy Industrial on a 13.68-acre site. Approval of this amendment would allow the existing use on the property to remain, as it fits into this designation. (San Jose V Investors, applicant/Van Waters & Rogers, owner) District: 4*

On October 23, 2007, the City Council adopted the Framework for Preservation of Employment Lands (Framework) to preserve remaining industrial and commercial lands in the City of San José. This policy, together with the Joint Mayor-Council Memo, provide criteria to maintain no net loss of employment capacity on lands designation in the San José 2020 General Plan for commercial or industrial uses. File No. GP06-04-05, because it proposes conversion of a site currently designated Light Industrial to a non-employment use, is subject to this framework. Specifically for this project, the Framework requires an off-setting conversion (File No. GP07-04-04) on another site in the City and an extraordinary benefit from the project proponents to the City.

You are invited to participate in the above public hearings. The Planning Commission will make a recommendation to the City Council, and the City Council will make the final decision on the proposed General Plan amendment. Please note that the San Jose 2020 General Plan reflects the long-range future growth for the City. A change in the General Plan land use designation would only affect the type and intensity of future development allowed on the subject property. The proposed amendment to the General Plan for the above referenced property would not change the zoning designation of the property. Zoning changes occur through the rezoning process, which is separate from the General Plan amendment process.

Comments and questions regarding this proposal or the General Plan amendment process are welcome, and should be referred to the Project Manager, **Licinia McMorro**, at **(408) 535-7814**.

Documents for this project are on file and available for review at: **Planning, Building and Code Enforcement, 200 East Santa Clara Street, San Jose, CA 95113**. Reports and documents will also be available online at: www.sanjoseca.gov/planning/gp/staff-reports.htm one week prior to the scheduled hearing.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Jenny Nusbaum, Senior Planner

Date: _____

***Existing General Plan
Designation:***

Light Industrial

This land use category is typified by warehousing, wholesaling and light manufacturing. Uses with unmitigated hazardous or nuisance effects are excluded.

***Proposed General Plan
Designation:***

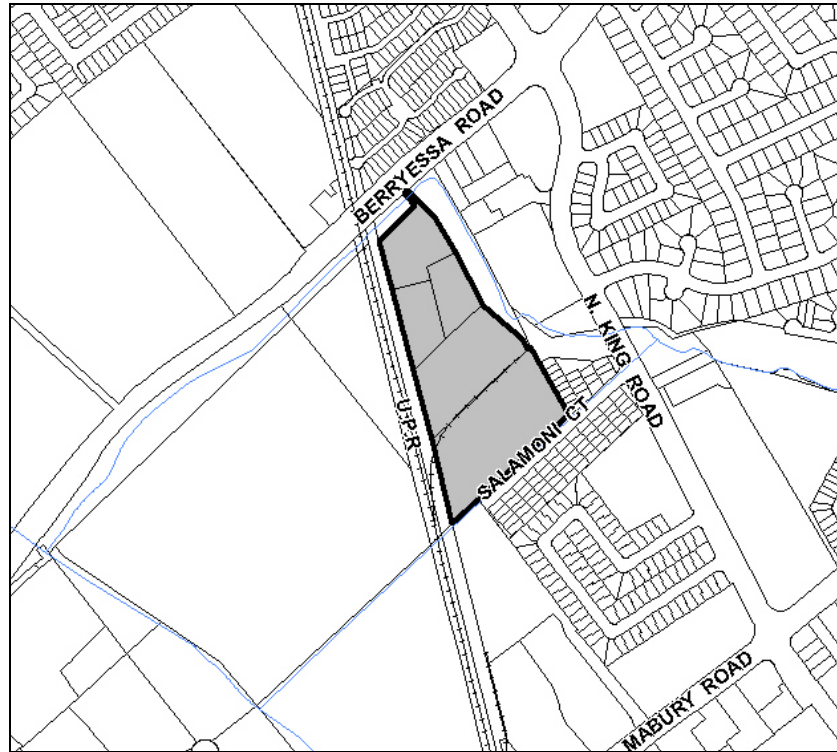
**Transit Corridor Residential (20+
DU/AC)**

This designation is intended for medium-high density and high density residential uses within, or very near, transit-oriented development corridors or BART Station Area Nodes. This land use category is intended to expand the potential for residential and mixed-use development near major public transit facilities, housing initiative areas, or major bus routes. The Floating Park designation implies that a park is needed in the general area, but the details of the size, location, and configuration of the park and surrounding development have not been specified.

**Staff Alternative : Combined
Industrial/Commercial**

This designation is intended for commercial, office, or industrial developments or a compatible mixture of these uses. The uses of the Industrial Park, Light Industrial, General Commercial, and Neighborhood/Community Commercial land uses are consistent with this designation.

GP06-04-05



***Existing General Plan
Designation:***

Industrial Park

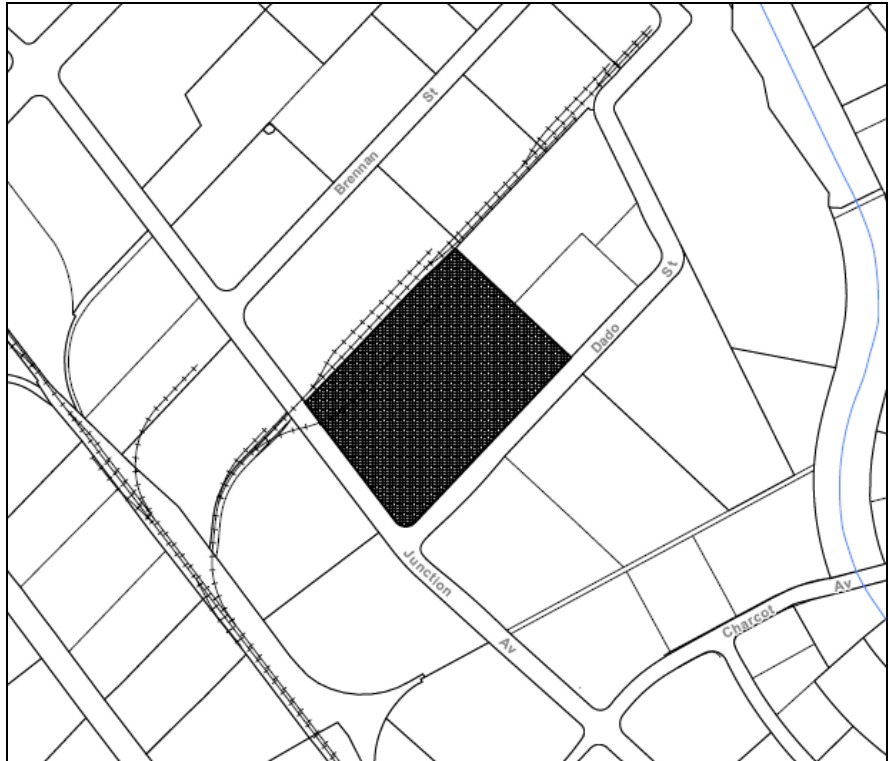
This land use designation is intended for a variety of industrial uses, such as research and development, assembly and offices. Generally, parcels with the Industrial Park designation are development under a single zoning and under singular management, though the actual industrial park may be made up of a single or several separate uses.

***Proposed General Plan
Designation:***

Heavy Industrial

The Heavy Industrial designation is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health and safety, environmental effects, or welfare are best segregated from other uses. Traditional industrial activities such as heavy and light manufacturing and warehousing are encouraged under this designation.

GP07-04-04



To arrange an accommodation under the Americans with Disabilities Act to participate in these public hearings, please call (408) 294-9337 (TTY) at least 48 hours before the hearing. This document can be made available upon request in alternative formats such as Braille, large print, audio tape or computer disk. Requests can be made by calling (408) 535-3500 (Voice) or (408) 294-9337 (TTY).

If you choose to challenge this land use decision in court, you may be limited to only those issues that you or someone else raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing. Reports including the staff report and recommendation are available a week before the public hearing). Additionally, a public packet will be available for review at the hearing.

Muốn biết tin tức bằng tiếng Việt Nam về tờ giấy thông tin này, xin quý vị liên lạc với Hải Phạm tại số 277-8462

Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-3555.